

REMARKS

The Examiner objected to claim 17 as being improperly numbered since no claim 16 was provided. Applicants have provided a listing of claims renumbering claim 17 to claim 16, as requested. No substantive amendments related to patentability have been made in this case.

All pending claims have been rejected under 103(a) based upon a combination of Ehrhardt *et al.* (Published US Application 20010015732 A1) in combination with other references. The Examiner indicated that this rejection might be overcome by showing that the reference is disqualified under 35 U.S.C. § 103(c) as being commonly owned at the time of invention.

Application 10/692,770 and published Application 20010015732 A1 were at the time the invention of Application 10/692,770 was made, owned, directly or indirectly, by Tektronix Inc.

Tektronix Inc. owned 100% of Tektronix Berlin, GmbH, as well as Tektronix International Sales, GmbH. At the time of the invention, both the Application 10/692,770 and the published Application 20010015732 A1 were either assigned or under an obligation of assignment to Tektronix International Sales, or Tektronix, Inc. itself. (See MPEP 706.02(l)(2) example 1).

As Application 20010015732 A1 is disqualified under 103(c), Applicant respectfully requests that the obviousness rejections be withdrawn and the pending application be passed to issuance.

Respectfully submitted,  
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